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Baker 15-5-2-5-4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): A.D. Baker et al.
Case: 15-5-2-5-4
Serial No.: 09/272,955
Filing Date: March 19, 1999
Group: 2673
Examiner: Lun Yi Lao

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature: Denise A. Glaser Date: December 2, 2002

Title: Automated Administration System for State-Based
Control of a Terminal User Interface

REPLY BRIEF

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

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This Reply Brief is submitted in response to the Examiner's Answer dated October 2, 2002 in the above-referenced application.

ARGUMENT

The Examiner in the above-noted Answer to the Appeal Brief filed by Applicants reiterates the argument that claims 1-4, 6-8, 10-14, 16-18 and 20-22 are unpatentable under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,956,655 (hereinafter "Suzuki").

Applicants initially wish to emphasize that the present rejection is an anticipation rejection. In order to anticipate a given claim under §102(e), the cited reference "must teach every element of the claim." See MPEP §2131. An anticipation rejection is thus distinct from an obviousness

rejection, in which “the reference teachings must somehow be modified in order to meet the claims.” See MPEP §706.02. Applicants respectfully submit that the Suzuki reference fails to teach every element of each of the rejected claims 1-4, 6-8, 10-14, 16-18 and 20-22. Moreover, it appears that the Examiner, in formulating the §102(e) rejection, is applying an obviousness-type analysis to the teachings of Suzuki.

Independent claims 1, 11 and 22 each specify that an automated set of operations generates information representative of at least a first state machine and a second state machine, the first state machine for controlling a first set of labels for soft-labeled keys (SLKs) of a first terminal associated with a first user, and the second state machine for controlling a second set of labels for SLKs of a second terminal associated with a second user. These claims also specify that the automated set of operations processes input indicative of terminal features desired by each of said first user and said second user in order to generate the respective first and second state machines. In this way, the first and second state machines produce different SLK displays for the respective first and second terminals.

The elements described above with regard to claims 1, 11 and 22 are not disclosed by Suzuki. In the Answer at page 3, lines 1-3, the Examiner argues that the claimed “automated set of operations” is met by the “operation program in terminals” in Suzuki, and that the first and second state machines are present in respective portable communication devices 1100-a and 1100-b in FIG. 24 of Suzuki.

However, Applicants wish to point out that “operation program in terminals” identified by the Examiner as being anticipatory of the claimed automated set of operations does not “process input indicative of terminal features desired by each of said first user and said second user in order

to generate the respective first and second state machines,” as required by the claims. Instead, each of the portable communication devices 1100-a and 1100-b apparently has its own internal programming. This internal programming for a given device cannot reasonably be viewed as comprising a portion of the claimed “automated set of operations.” Moreover, there is no specific teaching in Suzuki that the particular devices 1100-a and 1100-b implement different state machines for controlling SLK labels. The Examiner instead is applying an obviousness-type analysis, apparently arguing that the teachings of Suzuki could be modified to implement the claimed invention. As indicated above, this type of analysis is inappropriate in the context of the present anticipation rejection.

The fact that one of the devices 1100-a or 1100-b may be configured for displaying SLK labels in a different language than the other does not indicate that the devices utilize different state machines. Instead, the provision of such a display language selection feature is entirely consistent with each of the devices utilizing exactly the same state machine. A conventional state machine, such as that disclosed in Suzuki, controls transitions from key function to key function, while the particular labels that are applied in a given state are typically determined by reference to a stored set of labels, distinct from the state machine. This is apparent from the following passage from column 28, lines 15-39 of Suzuki, with emphasis supplied:

It is also possible to provide a memory unit for storing a plurality of different types of display formats or display contents for the display of the function names assigned to the input keys. For example, in a case of Japanese, a display in kanji-kana mixed expression, a display in hiragana-only expression, a display in katakana-only expression, a display in

romaji expression, etc., can be provided for the same display content in advance, such that a user can select a desired display format by means of a display format setting mode. In this manner, it is possible to provide the portable communication device which is easy to use even for a user who is not proficient in reading kanji.

Similarly, it is also possible to provide a plurality of displays using different font settings for the same display content in advance, such that a user can select a display in a desired font setting by means of a display format setting mode according to his preference.

In addition, it is also possible to provide a plurality of displays in different languages for the same display content, such that a user can select a display in a desired language by means of a display format setting mode according to his need. In this manner, it becomes possible to provide the portable communication device which can be used by many people with different mother tongues.

Applicants respectfully submit that the “display format setting mode” referred to in the above-cited passage from Suzuki does not involve any alteration of any portable communication device state machine which controls transitions from key function to key function on the device. Instead, it apparently simply directs an existing state machine to retrieve the actual display labels from a particular memory location in a memory unit based on the selected display format mode. The use of a different display format setting mode in device 1100-a from that utilized in device 1100-b therefore does not involve use of different state machines in these two devices.

Since Suzuki fails to disclose all of the elements of independent claims 1, 11 and 22, and therefore of their associated dependent claims, Applicants respectfully request the withdrawal of the §102(e) rejection of claims 1-4, 6-8, 10-14, 16-18 and 20-22.

With regard to claims 3 and 13, these claims indicate that the information generated by the automated set of operations includes a control table specifying a set of label identifiers for each of at least a subset of the plurality of states of at least one of the first and second terminals, and a label table specifying, for each of at least a subset of the labels identified by a given one of the label identifiers, a character string corresponding to the label, a feature identifier associated with the label, and a presentation attribute. In the Answer, at page 4, first full paragraph, the Examiner again asserts that these various elements are disclosed in Suzuki in FIGS. 5-9 and column 28, lines 15-39. Applicants respectfully disagree.

FIGS. 5-9 of Suzuki show various state transition diagrams. However, there is no disclosure of a control table specifying a set of label identifiers for each of at least a subset of the plurality of states of at least one of the first and second terminals, and a label table specifying, for each of at least a subset of the labels identified by a given one of the label identifiers, a character string corresponding to the label, a feature identifier associated with the label, and a presentation attribute, as set forth in claims 3 and 13. In addition, as discussed above, the information set forth in FIGS. 5-9 of Suzuki is not generated by an automated set of operations defined in claims 1 and 11, as is the control table of claims 3 and 13, respectively.

The Examiner in the Answer more particularly argues with reference to FIG. 5 of Suzuki that element 401 corresponds to the claimed control table, and that MEMORY CALL, RE-DIAL and AUX FUNCTION in element 401 correspond to label identifiers. This interpretation improperly

ignores specific language in claims 3 and 13. For example, these claims require a label table which specifies, for each of at least a subset of the labels identified by a given one of the label identifiers, a character string, a feature identifier and a presentation attribute. Therefore, if MEMORY CALL, RE-DIAL and AUX FUNCTION in element 401 correspond to the claimed label identifiers, there must be a label table for at least one of MEMORY CALL, RE-DIAL and AUX FUNCTION that includes a corresponding character string, feature identifier and presentation attribute. These limitations are not met by the RE-DIAL entry in element 401 as argued by the Examiner.

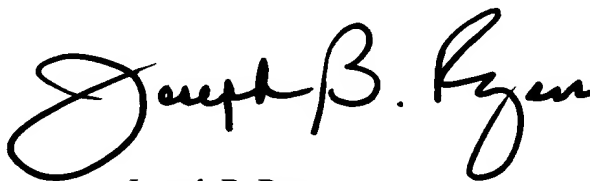
Since a control table or label table as defined in claims 3 and 13 is not disclosed in Suzuki, Applicants respectfully request the withdrawal of the §102(e) rejection of claims 3 and 13, and the claims dependent thereon.

Claims 4 and 14 further define claims 3 and 13, respectively, wherein the set of operations includes an operation for checking a system database to extract a system identifier and a character string for the corresponding label. Claims 6 and 16 further define claims 4 and 14, respectively, wherein the set of operations includes an operation for determining a descendant relationship definition for the extracted feature identifier. Claims 7 and 17 further define claims 6 and 16, respectively, wherein the set of operations includes an operation for creating a state in a state machine based on the relationship definition for the extracted feature identifier. The Examiner in the Answer argues that these claimed arrangements are shown in FIGS. 4A-9, column 12, lines 19-68, column 13, and column 14, lines 1-25 of Suzuki. Applicants respectfully disagree. There is no teaching in the cited figures or passages regarding particular operations, in an automated set of operations, for checking a system database to extract a system identifier and a character string for the corresponding label, for determining a descendant relationship definition for the extracted feature

identifier, or for creating a state in a state machine based on the relationship definition for the extracted feature identifier. Instead, the cited figures and passages teach nothing more than conventional state-based control of SLK labels consistent with the description provided in the Background section of the present application at page 1, lines 16-22. As noted above, the claimed operations are examples of operations in an "automated set of operations" suitable for generating multiple state machines, which is not the case for the operations in the cited figures and passages of Suzuki.

Accordingly, Applicants respectfully submit that Suzuki fails to teach every element of each of the rejected claims. The Examiner appears to be rely upon modifications of the Suzuki teachings in order to meet the claim limitations, which as indicated above is improper in the context of an anticipation rejection. Applicants therefore believe that claims 1-8, 10-18 and 20-22 are in condition for allowance, and respectfully request withdrawal of the §102(e) rejection.

Respectfully submitted,

A handwritten signature in black ink, reading "Joseph B. Ryan". The signature is written in a cursive, flowing style with a large initial "J" and a prominent "B".

Date: December 2, 2002

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Submitted herewith is the following document relating to the above-identified patent application:

(1) Reply Brief (original and two copies).

There is no additional fee due in conjunction with the response. In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Avaya Inc. Deposit Account No. 50-1602** as required to correct the error. Triplicate copies of the Reply Brief are enclosed.

Respectfully submitted,

Date: December 2, 2002

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